



**BRUCE McPHERSON** | SECRETARY OF STATE | STATE OF CALIFORNIA  
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June 16, 2005

Elaine Howle, State Auditor  
Bureau of State Audits  
555 Capitol Mall, Suite 300  
Sacramento, CA 95814

Dear Ms. Howle:

I am writing to update you on the progress the Secretary of State's Office (SOS) has made implementing the recommendations made in the Bureau of State Audit's report dated December 16, 2004. This is the first report to the Bureau of State Audits from this Office since my confirmation as Secretary of State and I appreciate greatly what it represents – an opportunity to make progress toward my highest priority: restoring public confidence in this Office, especially my responsibility to serve as California's chief election officer. Implementation of the Help America Vote Act of 2002 (HAVA), the subject of your audit, is a critical component of that effort. Even now, federal auditors are reviewing the actions of the prior administration under HAVA. I am hopeful that these combined actions will, in part, help to establish my office with a benchmark for progress toward implementation of HAVA and to provide an important mechanism for accountability that every elected official owes to the public, so that no question goes unasked or unanswered.

In that spirit, I am submitting to you a progress report on addressing the specific recommendations and issues raised in your December 2004 audit of the Secretary of State's office:

*(1) Bureau Recommendation: Develop a comprehensive implementation plan that includes all HAVA projects and activities. Designate the individuals responsible for coordinating and assuring the overall implementation of the plan. Identify and dedicate the resources necessary to carry out the plan and assign roles and responsibilities accordingly. Establish timelines and key milestones and monitor to ensure that planned HAVA activities and projects are completed when scheduled and meet expectations.*

The HAVA Coordinator under the prior administration worked closely with the Office's contractor and SOS staff to develop and refine a detailed Implementation Plan that: 1) Identifies strategies and activities to be undertaken to achieve HAVA compliance; 2) Assigns responsibility to an SOS lead and identifies SOS staff who will assist with accomplishing the activity; and 3) Identifies a date by which the work is to be initiated and completed. This is the work plan that the HAVA Coordinator will use to continuously monitor progress toward HAVA compliance. That Implementation Plan was developed and completed under the prior administration. **Since the change in administration, key Elections Division staff and the Management Services Division Chief, who is responsible for budgeting and accounting procedures, reviewed the Implementation Plan with the Office's contractor and have**

eliminated some of the strategies that we felt were unnecessary to meet the HAVA mandates. It may also be necessary to further refine the Implementation Plan as we move forward. During my tenure it has become increasingly apparent that this Office must make up for lost time and lost opportunities, which in some cases are necessitating a change in priorities and strategies. Nonetheless, I am committed to aggressively implementing a comprehensive plan based largely on the Implementation Plan to ensure we maximize the use of state resources to meet our highest priorities and I believe that closely coordinating activities and an initial investment of staff training will ensure that we reduce our risks and maximize our chances of success.

- Status of recommendation: 85 percent completed

*(2) Bureau Recommendation: Develop clear job descriptions for employees working on HAVA activities that include expectations regarding conflicts of interest, incompatible activities, and any other requirements important in administering federal funds.*

**Duty statements for the HAVA Coordinator and one staff person in the Management Services Division were created. These are the only two positions whose salary we intend to pay for with HAVA funds.** Prior to my tenure, the Office developed a policy addressing incompatible political activity. This policy is discussed in more detail in response to the Auditor's recommendation below (see (3) below). This policy will be included in the job descriptions for all Secretary of State staff once it has been approved by state employee bargaining units representing state workers. **My Office has taken the necessary steps to initiate the "meet and confer" process with the Department of Personnel Administration and employee representatives.**

- Status of recommendation: Job descriptions – Completed

*(3) Bureau Recommendation: Establish and enforce a policy prohibiting partisan activities by employees and consultants hired by the office. Periodic staff training and annual certification by all employees that they have read and will abide should be part of this policy.*

We have developed a written policy addressing political activity that specifically prohibits the use of any state or federal resources for partisan political activity. The policy was submitted to the Department of Personnel Administration (DPA) and others for review. The process is that the policy must be submitted to DPA and then approved by the unions. Once approved, this written policy will be distributed to all staff, explained in full, and included in new staff orientation activities. **In the interim, I have asked all non-represented senior staff in the Executive Office and Division Chiefs throughout the agency to sign the policy. The policy is enclosed for your reference. My Office has also contacted the California Department of Justice to discuss the feasibility of implementing specialized ethics training for SOS staff.**

- Status of recommendation: Incompatible workplace activities – 70 percent completed

*(4) Bureau Recommendation: Standardize the language used in all consultant contracts to include provisions regarding conflicts of interest and incompatible activities, including partisan activities.*

**The process for developing HAVA contracts was revised so that all HAVA contracts include the revised “Political Activity in the Workplace” Statement.**

➤ Status of recommendation: Completed

*(5) Bureau Recommendation: Ensure that time charged to HAVA or any other federal program is supported with appropriate documentation, including time sheets and certifications.*

Time sheets have been developed for use by staff and contractors to ensure appropriate record keeping of time spent on HAVA activities. Additionally, instructions were developed for completing the time sheets and training has been provided to staff. **Early in my administration, and pursuant to the enclosed memo, I have decided not to continue charging staff activities to HAVA, with the exception of the HAVA coordinator and one Accounting Officer who are exclusively devoted to HAVA activities. These two staff have signed certifications attesting that 100 percent of their working time was devoted to accomplishing the HAVA mandates.**

➤ Status of recommendation: Certification – Completed  
Time sheets – Completed  
Policy and duty statement for SOS employees - Completed

*(6) Bureau Recommendation: When competition is not used to award contracts, establish a process to screen and hire consultants.*

The Secretary of State’s Office will use competitive procurements to award contracts except in those rare circumstances in which non-competitive procurements are allowable and appropriate. In all cases, a standardized process will be employed to screen and hire consultants.

**Detailed procedures based on the law and the state’s Department of General Services’ (DGS) guidelines for all contracting-related activities including competitive procurements have been created.** These procedures identify the situations in which competitive procurements are appropriate as well as those limited situations in which non-competitive procurements may be allowed. Our new procedures cross-reference all appropriate supporting rules, regulations, policies, and procedures including the State Administrative Manual, State Contracting Manual, California Acquisition Manual, Purchasing Authority Manual, and Secretary of State policies and procedures. Moreover, we are ensuring that appropriate controls and procedures are built into the process to ensure compliance with the applicable laws and regulations. The procedures describe the situations in which different types of procurements are appropriate and which type of procurement should be utilized under various circumstances (e.g. Request for Proposal, Invitation For Bid). **Business Services staff responsible for these contracting, accounting and fiscal responsibilities has recently attended DGS procurement training to ensure that the Office adheres to the most recent contract and procurement standards.** Due to the

volume of these documents, they are not included, but they are available for review at the Secretary of State's Office.

Status of recommendation: Completed

*(7) Bureau Recommendation: Follow control procedures for the review and approval of contracts to ensure that contracts include a detailed description of the scope of work, specific deliverables, and performance measures.*

As discussed above, comprehensive procedures were developed for contracting activities. Included in these processes is a more efficient contract review process, which requires every contract to include a detailed scope of work, specific deliverables, and performance measures. **Additional training for new and existing staff in this new process will take place prior to June 30.**

➤ Status of recommendation: 70 percent completed

*(8) Bureau Recommendation: Require that contract managers monitor for the completion of contract services and work products prior to approving invoices for payment.*

**Similar to the contracting process, detailed policies and procedures for the invoice approval and payment process were developed.** An invoice payment process that requires the appropriate Division Chief to ensure the completion of contract deliverables prior to approving invoices for payment is now in place. The process also requires the relevant Division Chief to attest that the services received were to assist with achieving HAVA compliance. Lastly, the newly appointed HAVA Coordinator, who must also identify the appropriate section of HAVA from which the funds should be drawn, must approve the invoice.

➤ Status of recommendation: Completed

*(9) Bureau Recommendation: Review invoices to assure that charges to be paid with HAVA funds are reasonable and allowable and conform to the terms of the contract.*

The newly developed invoice payment process noted above requires the requesting Division Chief to evaluate the invoice against the contract to determine reasonability of the invoice, and ensure that it conforms to the terms of the contract. Additionally, the newly appointed HAVA Coordinator must attest that the use of the funds is for HAVA activities.

➤ Status of recommendation: Completed

*(10) Bureau Recommendation: Follow competitive bidding requirements to award contracts and restrict the use of exemptions to those occasions that truly justify the need for them.*

As discussed above, the use of exemptions from competitive bidding will be restricted to only those occasions that are truly justified by the need. The contracting processes will help the contract managers understand the thresholds that must be met before they can even contemplate

requesting a sole source award. Should this need be identified, one of the steps in the process will require approval by the Department of General Services, pursuant to state law. The processes also guide the contract staff toward competitive procurements when the law permits the use of sole source contracting process.

- Status of recommendation: Completed

*(11) Bureau Recommendation: Follow General Services' policies when using CMAS for contracting needs.*

**The revised contracting processes establish the criteria for using the CMAS contracting vehicle and provide instruction on how to use CMAS in accordance with DGS rules and guidance.**

- Status of recommendation: Completed

*(12) Bureau Recommendation: Comply with state policy for procuring commodities.*

**The revised contracting processes comply with state policy for procuring commodities.**

- Status of recommendation: Completed

*(13) Bureau Recommendation: Prohibit fiscal year 2004-05 expenditures for HAVA activities until it receives spending authority from the Department of Finance and the Legislature.*

Only those HAVA expenditures clearly authorized by the Budget Act of 2004 are being authorized. **In February 2005, the SOS submitted a Spending Plan to the Department of Finance (DOF). The DOF approved all of the requests except for the statewide database and the source code review. The Joint Legislative Budget Committee (JLBC) then approved this spending authority in April 2005. The May Revise requests that this appropriation and spending authority shifts over to the 2005-06 fiscal year.**

- Status of recommendation: Completed

*(14) Bureau Recommendation: Disburse HAVA funds to counties for voting machine replacement within the timeframes set out in its grant application, procedures, and contracts.*

**A detailed process that clearly states the requirements for applying for the Section 251 funds, which will enable us to disburse the funds in a timely manner pursuant to pre-established criteria, has been developed and is being documented.** The State Controller's Office (SCO) has been authorized through this Office to mail HAVA reimbursements directly to eligible counties to further reduce any delays in the counties receiving payments. **Payments due for Section 102 punch card replacement funds have nearly been exhausted.**

- Status of recommendation: Completed

In addition to the activities that directly respond to the BSA recommendations, the SOS is undertaking, with the assistance of a contractor, a number of other activities to ensure compliance with HAVA mandates and deadlines. These include:

- 1) Applying project management principles to all the HAVA activities to ensure that California is compliant with state and federal law. These principles require more thorough planning, identification and resolution of issues, and monitoring of activities to ensure timely completion than was initially employed by the previous administration. As mentioned above, a detailed Implementation Plan that identifies all the activities necessary to ensure California is HAVA-compliant has been produced. This tool enables tracking progress and ensuring timely resolution of outstanding issues.
- 2) Developing internal control processes and conducting internal control reviews of procedures to ensure compliance with state and federal guidelines for the use of federal funds. These reviews test how well the office is implementing the newly created procedures that ensure we are capturing accurate and timely information to support our HAVA expenditures. **The first internal control review was conducted in May. Minor issues found during this first review are being addressed and will be tracked in future reviews to ensure the deficiencies have been corrected.**
- 3) Developing performance measures for the strategies to achieve the HAVA mandates. Performance measures enable us to determine whether we are meeting our goals for each of the mandates by numerically defining what those goals are. Once the performance measures are developed, on-going monitoring will commence so that we have timely understanding of our progress toward goals and tasks.
- 4) Conducting independent verification of our activities to deploy the statewide database to ensure compliance with the HAVA requirements, and compliance with the state's laws and policies for technology projects.

In sum, this office has taken significant steps to implement the recommendations made by the BSA. We look forward to continuing to partner with the Legislature, Governor's Office, and local election officials to meet the pressing HAVA mandates.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce McPherson". The signature is fluid and cursive, with the first name "Bruce" being more prominent than the last name "McPherson".

Bruce McPherson  
Secretary of State

**HAVA COORDINATOR**  
**OFFICE OF THE SECRETARY OF STATE**  
**JOB DESCRIPTION**  
**(December 1, 2004)**

1. Under the direction of the Secretary of State and the Undersecretary of State, the HAVA Coordinator shall, in consultation with the Secretary of State's HAVA Steering Committee, be responsible for the overall implementation in California of the Help America Vote Act of 2002 ("HAVA").
2. Duties of the HAVA Coordinator shall include, but not be limited to, ensuring compliance with each and all of the following:
  - a. All HAVA funds received are spent and accounted for in accordance with all applicable federal and state laws, regulations and procedures;
  - b. No HAVA funds are ever used in California to promote any political party, candidate for elective office, ballot measure, political cause or political interest group;
  - c. All grants and contracts using HAVA funds are made only to further the implementation of HAVA and are allocated objectively and equitably to eligible participants only;
  - d. All HAVA mandates are met by the statutory deadlines, to the extent control agency approvals permit;
  - e. The determination as to the most effective and efficient way of achieving the goals of HAVA and ensuring compliance with the HAVA mandates are made in consultation with local elections officials and other interested parties, including the Department of Finance, the Legislature, the Election Assistance Commission and the U.S. Department of Justice;
  - f. Progress toward reaching the goals and mandates of HAVA are monitored, in consultation with local elections officials and other interested parties;
  - g. The activities needed to achieve the goals and mandates of HAVA are planned, implemented, and monitored using sound project management principles;
  - h. All contracts using HAVA funds are awarded using a competitive procurement process whenever possible;
  - i. Performance measures are developed, in consultation with local elections officials, the Election Assistance Commission, and other interested parties, to measure the effectiveness of all programs and efforts that receive HAVA funds.

- j. HAVA funds by any entity that receives them are monitored to ensure compliance with the requirements of the grant or contract and with HAVA.
3. In carrying out the duties of the HAVA Coordinator, the HAVA Coordinator shall:
- a. Spend at least 40 hours per week of compensated time, except as otherwise specified by state laws or regulations applicable to all state employees, directly performing the duties specified in this duty statement;
  - b. Ensure that all employees and contractors keep track of and report time compensated with HAVA funds in accordance with all state and federal rules and regulations;
  - c. In consultation with the Chief of Management Services Division of the Secretary of State's Office and applicable Division Chiefs, authorize employees to work on HAVA-related activities and be compensated from HAVA funds;
  - d. Authorize any and all expenditures of HAVA funds;
  - e. Authorize any and all contracts using HAVA funds;
  - f. Ensure that all employees and contractors receiving HAVA funds are aware and abide by limitations on political activities, including the Hatch Act to the extent it is applicable;
  - g. County elections officials, the Department of Finance, the Legislature, the Election Assistance Commission, the U.S. Department of Justice, and other interested parties are consulted with regarding HAVA-related activities that are proposed and are informed about HAVA-related activities implemented;
  - h. Ensure that counties, vendors, and other eligible entities receive payments of HAVA funds to which they are entitled to receive on a timely basis in accordance with all applicable rules, regulations and contracts;



## Duty Statement

Class: Accounting Officer (Specialist)  
Position #: 785-200-4546-007  
Division: Management Services  
Unit: Accounting Office

Under the general supervision of the Senior Accounting Officer (Supervisor), the incumbent performs professional accounting duties of average difficulty. Consistent with good customer service practices and the goals set forth in the Secretary of State Strategic Business Plan, the incumbent prepare Federal reports, analyzes and researches the average difficulties of Federal financial transactions and determines the best way to process the entries using the Secretary of State's PeopleSoft accounting system. Duties include, but are not limited to the following:

- 40% Maintains Federal accounting records necessary to accurately report collections and expenditures to the Federal Government. Maintains accurate records for all transactions requiring the use of federal funds. Develops the Indirect Cost Rate and the SWCAP rate for the Federal Fund. Utilizes the PeopleSoft accounting system, and reconciles accounting entries to SCO and subsidiary system records.
- 30% Analyzes and prepares the Federal OCSE 396, 269 and 272 quarterly reports to the Federal Government. Reconciles Federal expenditures with accounting system and State Controller's reports. Prepares reports, and responds to Federal audits.
- 20% Works closely with Federal and State staff and /or consultants in the analysis and tracking of Federal expenditures. Prepares clear, complete and concise reports.
- 10% Responds to requests on federal claiming and policy issues with other agency staff. Acts as the primary contract for various federal accounting/reporting issues to the Federal Government.

## Performance Expectations

Class: Accounting Officer (Specialist)  
Position #: 785-200-4546-007  
Division: Management Services  
Unit: Accounting Office

The following expectations apply to all tasks performed by the Accounting Officer (Specialist):

- Work independently to effectively organize, monitor and coordinate day-to-day work to ensure that all assignments receive appropriate attention and that established timelines are met. Advise supervisor of existing or potential problems or issues in a timely manner.
- Anticipate changing workload conditions and take appropriate action to modify priorities or secure necessary resources to meet schedule requirements.
- Develop and maintain constructive working relationships. Exercise tact, resourcefulness and good communication skills in daily interactions with all levels of staff and the public. Convey a professional demeanor to all those contacted in the course of work. Project a sincere and positive image of technical competence, trust, helpfulness and fairness.
- Take the initiative to understand and become familiar with the functions and workload responsibilities of the Fiscal Office, and be willing to assist all Management Services Division functions as needed to achieve Divisional goals.
- Exercise good judgment in advising staff and the public on issues within the scope of these duties to ensure that statements are accurate and in conformity with applicable laws, rules, policies and procedures.
- Maintain a satisfactory level of skill on office computer software necessary to perform the duties of this position, and be willing to learn new programs that may be required for Division operations.
- Follow policies and procedures established by the Secretary of State, including attendance and leave policies, and the various laws and rules governing civil service employees.

I have read and understood the duties, responsibilities, and performance expectations as required by my employment at the Secretary of State:

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_



SECRETARY OF STATE  
**BRUCE MCPHERSON**  
STATE OF CALIFORNIA

## **SECRETARY OF STATE POLICY REGARDING POLITICAL ACTIVITY IN THE WORKPLACE**

The Secretary of State is the state's chief elections officer. It is, therefore, imperative that staff in the Secretary of State's Office, and those who contract with the Secretary of State's Office, refrain from engaging in any political activity that might call into question the office's impartiality with respect to handling election issues. Accordingly, the policy of the Secretary of State's Office with respect to political activity in the workplace, a copy of which will be given to every employee in the Secretary of State's office, is as follows:

1. No employee of or contractor with the Secretary of State's Office shall engage in political campaign-related activities on state-compensated or federal-compensated time, except as required by official duties, such as answering inquiries from the public. This prohibition shall not apply while an employee is on approved vacation or approved annual leave. This prohibition shall not apply to activities engaged in during the personal time of an employee.
2. No employee of or contractor with the Secretary of State's Office shall use any state property in connection with political campaign activities. It is strictly prohibited to schedule political campaign-related meetings or to conduct political campaign-related meetings in state office space, even if after normal working hours.
3. No employee of or contractor with the Secretary of State's Office shall use his or her official status with the Secretary of State's Office to influence political campaign-related activities or to confer support for or indicate opposition to a candidate or measure at any level of government.
4. No employee of or contractor with the Secretary of State's Office may be involved with political campaign-related telephone calls, letters, meetings or other political campaign-related activities on state-compensated or federal-

compensated time. Requests by employees to switch to alternative work schedules, such as 4-10-40 or 9-8-80 work weeks, or to take vacation in order to accommodate political campaign-related activities or to attend political campaign functions, will be judged in the same manner and on the same basis as any other requests of this nature (i.e., existing needs of the office and discretion of the division chiefs).

5. The receipt or delivery of political campaign contributions or photocopies thereof on state property is strictly prohibited, as is the use of office time or state resources (e.g., intra-office mail or fax machines) to solicit or transmit political campaign contributions.
6. No employee of or contractor with the Secretary of State's Office may authorize any person to use his or her affiliation with the Secretary of State's Office in an attempt to suggest that the employee's or contractor's support or opposition to a nomination or an election for office or a ballot measure is of an "official," as distinguished from private, character.
7. No employee of or contractor with the Secretary of State's Office may display political campaign-related buttons, posters, or similar materials in areas visible to individuals who are in public areas of the Secretary of State's Office; nor may an employee of or contractor with the Secretary of State's Office display political campaign-related posters or other materials on windows facing out of the state office building.
8. No employee of or contractor with the Secretary of State's Office may use official authority or influence for the purpose of interfering with or attempting to affect the results of an election or a nomination for any public office.
9. No employee of or contractor with the Secretary of State's Office may directly or indirectly coerce or solicit contributions from subordinates in support of or in opposition to an election or nomination for office or a ballot measure.
10. An employee who is paid either partially or fully with federal funds, including the Help America Vote Act of 2002 (HAVA), is subject to the provisions of the federal Hatch Act, and is, therefore, prohibited from being a candidate for public office in a partisan election, as defined in the federal Hatch Act. However, any employee who is to be paid either partially or

fully with funds pursuant to HAVA, shall first be consulted about the proposed funding and be informed about the prohibitions of the federal Hatch Act. The employee, whenever possible, shall be given the opportunity to engage in employment that does not involve HAVA funding.

11. Provisions limiting participation in political campaign-related activities as provided for in this policy statement shall be included in every contract with the Secretary of State's Office.

If you have questions concerning these restrictions, please refer them to your supervisor or contract manager.

*I have read and received a copy of the foregoing.*

*Signed*     /S/    

*Printed Name*   Christopher A. Reynolds  

*Dated:*   6/13/05  

(RETURN THE COMPLETED FORM TO PAM GIARRIZZO, CHIEF COUNSEL.)



SECRETARY OF STATE  
**BRUCE MCPHERSON**  
STATE OF CALIFORNIA

TO: Brad Clark, Assistant Secretary for Elections  
Lorenzo Hines, Chief, Management Services Division

FROM: Chris Reynolds, HAVA coordinator

SUBJECT: Employee time charged to the Help America Vote Act

DATE: June 14, 2005

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This memorandum memorializes the decision of the HAVA steering committee of May 11, 2005 at which it was decided that the only Secretary of State personnel costs to be charged as payable from HAVA for the current fiscal year will be restricted to the HAVA coordinator and the Accounting Officer assigned to HAVA-related transactions.

As you know, this decision was predicated on several factors, including, but not limited to: the findings of the Bureau of State Audits that certain staff activities were apparently HAVA-funded, but did not appear to be related to HAVA; the need to ensure that the state is not supplanting state funds with federal funds; the fact that certain federal mandates pre-exist in California under state law; and the need for this Administration to ensure that the February 25, 2005 guidance provided thus far in response to new directives, policies and procedures are well-understood and being implemented.

It is clear that this Office is mandated to perform HAVA-related activities and there is benefit in documenting the allocation and commitment of state resources to those activities. Therefore, notwithstanding the HAVA steering committee decision of May 11, the Office will continue to document staff time spent on HAVA-related activities. Pursuant to that direction, the following duty statements should be provided to staff to further clarify the policy of this Administration in this regard.

Please note that these duty statements are NOT exhaustive of all potentially eligible HAVA-related and reimbursable activities, but should be used as guidance for the time being and are subject to refinement. To the extent that there are questions or comments, please direct those questions and comments to me, as HAVA coordinator, for further consultation with others and a decision.

Consistent with the revised February 25, 2005 policy, the following categories of activities and duty statements for HAVA-related activities apply, effective immediately:

Punch-card replacement (PCR) – Work related to processing claims and distributing funds to the 30 California counties eligible to receive “punch card replacement” funds pursuant to Title I, Section 102 of HAVA. These activities include: assisting county personnel or their agents, the public and other parties, including the State Controller’s Office, by answering questions regarding eligibility, the allocation process, payment of claims, and calculations for eligibility and payment; all activities related to development of information for the purpose of answering questions or facilitating implementation and disbursement of funds; consideration of and formulation of policy related to this activity; facilitating any necessary interaction with federal agencies, including the Election Assistance Commission (EAC), the General Services Administrator (GSA), the U.S. Department of Justice (US DOJ), or any of the agents of these federal agencies; and activities related to actual disbursement of funds.

AVVPAT (AVVPAT) – Work related to ensuring that voting systems and voting procedures comply with HAVA accessibility requirements or voting system guidelines adopted by the EAC to meet those requirements as they relate to state requirements for a voter-verified paper trail. These activities include: evaluating federal and state requirements; monitoring and evaluating standards and participating in public comment on behalf of the State of California; developing policy or guidance to respond to federal action and to inform the public, county elections officials and others, of that policy or guidance; formulating or revising state guidance, processes or procedures necessary to comply with federal and state requirements; activities related to testing, including public testing, of equipment; participating in any public events or hearings necessary to gain understanding of the functioning of equipment or public acceptance of equipment; any policy-related or procedural activities necessary to facilitate certification of compliant equipment, consistent with the process, procedures and policies of federal testing facilities, federal qualifying bodies and the Office of the Secretary of State.

Accessibility Requirement (AR) – Work related to ensuring that the electoral process, voting systems and polling places are fully accessible in essentially the same manner as other voters. These activities include: ensuring that voting systems are compliant with HAVA accessibility standards as articulated in HAVA and as further defined by the EAC, the federal Health and Human Services (HHS) or other federal agencies; to modify state standards, procedures or processes consistent with federal requirements and guidance, to research and modify, as necessary, federal and state law or guidance to facilitate compliance; to develop, adopt and implement policies consistent with compliance; to assist the public, advocacy groups, county election officials and others with understanding any and all new requirements and guidance; to assist county election officials with securing and documenting the use of federal funds

from the EAC, the HHS or other private sources; and to perform all functions necessary to assist with compliance for federal and state requirements.

Minority Language Accessibility (MinLang) – Work related to meeting federal requirements for providing voter information and voting materials in languages other than English. These activities include: developing, adopting and implementing all processes, procedures and standards relating to voting system compliance with such standards; securing services of translators to prepare necessary materials; activities to research, understand and disseminate materials to the public and county election officials relating to these requirements; activities involving state representation or communication with federal agencies, including the EAC, US DOJ and others; contact and communications with representatives of voting rights or voter advocacy groups regarding these requirements; and efforts to improve implementation of these requirements, including facilitating participation of necessary bilingual elections representatives at the Secretary of State's Office, at the county level or at polling places.

Free Access System Development, Coordination and Oversight (FASD) and Free Access Reimbursement to Counties (FAR) – Work related to assist with meeting the requirement that those voters casting a provisional ballot be able to access, in a confidential manner, a system to determine whether their provisional ballots were counted. These activities include: research to develop an understanding of the requirements and the practical application available to meet these requirements; activities related to facilitating county election official understanding of these requirements; and activities related to the reimbursement of counties for developing and deploying a system to meet these requirements.

Statewide Database Development (SDD) – Work related to development of a HAVA-compliant voter registration list that includes the names of all eligible California voters that is defined, administered and maintained by the state. These activities include: research related to understanding HAVA requirements; investigation and research of activities in other states; development of Feasibility Study Reports or other documents necessary to seek approval and initiate project development and deployment; activities related to budgetary and contracting processes; activities related to reviewing, understanding and responding to EAC guidance; activities related to assisting the EAC in developing guidance and otherwise implementing HAVA requirements related to this requirement; any activities relating to compliance with HAVA requirements, including discussions, meetings and correspondence with US DOJ; all bidding, contracting and other activities related to development, funding and deployment of a HAVA-compliant system; discussions, responses and interaction with county elections officials related to HAVA compliance, including discussions of requirements, facilitating understanding and providing training; assisting and facilitating compliance of other state agencies, including the Department of Motor Vehicles, the Department of Corrections, the California Department of Health Services and others; and other activities related to implementing and maintaining a HAVA-compliant voter registration list.



Printing of Registration Cards (RegCard) – Work related to meeting the requirements that all state voter registration cards obtain specific voter information, and facilitate the voter registration and voting process. These activities include: design, re-design and processes for printing and using HAVA-compliant voter registration affidavits (affidavits); all contracting and budgetary actions necessary for producing HAVA-compliant affidavits, including contracting with the Office of State printing; activities related to facilitating the understanding of voter registration requirements by the county election officials, public and private organizations; activities relating to developing and implementing policies that give effect to HAVA requirements for obtaining voter information, including driver's license or social security data; activities that relate to developing and implementing policies that ensure the voter registration affidavit and process facilitate and are coordinated with policies relating to HAVA-mandated deployment of a statewide voter registration list and policies requiring voter identification data verification and polling place identification requirements.

Complaint Investigation (CI) – Work related to ensuring that the state has in place a HAVA-compliant complaint procedure. These activities include: developing and implementing a complaint procedure as required by HAVA; facilitating public, advocacy organization and county election official understanding of the requirement, availability and process for the complaint procedure; participating in any and all processes associated with voter complaints relating to voter rights violations, HAVA violations or the voting process generally, including documenting, reviewing, investigating, reporting on and facilitating final resolution of complaints from voters.

Voting Rights of Military and Overseas Voters (MOV) – Work related to serving as a clearinghouse for information about the voting rights of overseas and military voters, and to otherwise facilitate voting assistance efforts for those voters. These activities include: researching state and federal requirements relating to military and overseas voters; investigating all current programs at the federal level, including Department of Defense (DOD) and Department of State efforts and other federal agencies, the state and county levels; researching, developing and implementing programs consistent with HAVA requirements; facilitating dialogue between federal, state and local entities to ensure coordination among programs and efforts; facilitating dialogue with actual voters, voting assistance officers and others as necessary to effectuate a HAVA-compliant program.

Regulation Development and Maintenance (Regs) – Work related to developing and implementing all administrative law necessary to effectuate implementation of HAVA. These activities include: researching state law, federal law and existing administrative law; drafting regulations as necessary, including completing or facilitating completion of all elements of the regulatory package necessary to effectuate regulations; submitting regulations to the Office of Administrative Law, including responding to inquiries or

amending regulatory packages as necessary; posting notice and conducting public hearings as necessary and responding to public comments as required; monitoring federal and state regulatory or legislative activities as necessary that may necessitate amendments to regulations, including voluntary guidance developed by the EAC; amending regulations as necessary; it is anticipated that regulations may be necessary in the following areas: implementation of (provisional voting) Free Access requirements; provisional voting requirements; definition of a vote requirements; voting system accessibility requirements or standards; voting system certification requirements, standards, procedures or processes; accessible voter verified paper trail requirements; complaint procedures; and statewide voter registration list requirements.

County Grants for Training (Cgrants) – Work related to providing grants to counties for voter education, and poll worker and election official training. These activities include: research, development and implementation of contracts, guidance, standards and model programs for implementation of HAVA-compliant programs; research, evaluation and analysis of any and all source materials relating to the needs of voters and deficiencies or best practices described in those source materials; facilitating communication with county election officials, advocacy groups, federal officials, including the EAC and US DOJ to effectuate model programs; monitoring implementation and progress toward meeting HAVA requirements and goals; developing performance standards for measurement of success; and participating in any activities related to auditing use and expenditure of funds pursuant to contracts, guidance, standards and model programs.

Poll Worker and Elections Officials Training Center (PEO) – Work related to assisting with efforts to ensure there is an ongoing mechanism for poll worker and election official training.

Voter Education Unit (VEU) – Work related to assisting counties or undertaking independent activities, as necessary and appropriate, to provide voters with information, outreach services and education services related to HAVA requirements.

Voter Education Materials Production and Distribution (VEMPD) – Work related to developing model voter education materials, as necessary and appropriate, to provide voters with information and education services related to HAVA requirements.

Public Service Development Contract (PSA) – Work related to developing, contracting for and placing Public Service Announcements, as necessary and appropriate, to provide voters with information and education services related to HAVA requirements.

Certification of Voting Systems (Cert) – Work related to certifying HAVA-compliant voting systems. These activities include: research related to development and implementation of standards, guidance, processes and procedures necessary to meet new federal voting system standards, including new standards developed through the EAC; developing and implementing standards, guidance, processes and procedures necessary to meet new federal voting system standards; facilitating discussions pertinent to efforts to develop and implement standards, including communications with federal agencies such as the EAC, US DOJ, the National Institute for Standards and Testing, and independent testing facilities, representatives of other states, county elections officials, the public and vendors of voting equipment; participating in all procedures necessary and appropriate for certification of voting systems, including reviewing applications, procedures and processes, testing and evaluating voting systems and software pursuant to federal and state law, regulations and procedures; participating in evaluation by technical advisory groups; participating in evaluation by advisory groups representing the public, including the disabled community, minority language and voting advocacy groups; monitoring activities in the public and private sector relating to voting systems; and any other activities, as appropriate and necessary, that facilitate deployment of HAVA-compliant, state-certified voting systems for use by voters.

Source Code Review (SCR) – Work related, as necessary and appropriate and pursuant to federal and state law and regulation, to ensure that source codes used as operating systems in voting systems or otherwise used to make voting systems operable meet standards for accuracy and security.

County Security Measures (CSM) – Work related to reimbursing counties for costs associated with enhancing the security of electronic voting systems pursuant to an April 30, 2004 order from the Secretary of State.

Poll Monitoring (PollMon) – Work related to monitoring Election Day polling place activities. These activities include: observing and reporting on Election Day activities at polling places, including functioning of voting systems, the electoral process generally and compliance with HAVA requirements.

Parallel Monitoring (ParaMon) – Work related to monitoring Election Day activities related to the functioning of voting systems. These activities include: observing and reporting on Election Day logic and accuracy testing and generally observing voting system functions on Election Day.

Grants for Voting Access for Individuals with Disabilities (GVD) (2004 grants) – Work related to application, receipt and disbursement of grants to counties for the specific purposes outlined in Section 261 of HAVA, and as further articulated by the federal HHS, related to making polling places more accessible to those with disabilities. These activities include: developing and implementing HAVA-compliant contracts, standards, practices and activities to fulfill mandates provided for in HAVA; assisting with implementation

of county programs; any activities related to monitoring or auditing county use of funds, as necessary; any activities relating to communication and correspondence with federal agencies, including the EAC, US DOJ and HHS.

Grants for Election Assistance for Individuals with Disabilities (GED) (2003 grants) - Work related to application, receipt and disbursement of grants to counties for the specific purposes outlined in Section 261 of HAVA, and as further articulated by the federal HHS, related to making polling places more accessible to those with disabilities. These activities include: developing and implementing HAVA-compliant contracts, standards, practices and activities to fulfill mandates provided for in HAVA; assisting with implementation of county programs; any activities related to monitoring or auditing county use of funds, as necessary; any activities relating to communication and correspondence with federal agencies, including the EAC, US DOJ and HHS.

HAVA Management and Administration (PMO) – Work related to overseeing, managing and administering HAVA programs at the Secretary of State's Office. These activities include: research and oversight of research related to developing and implementing policy, processes and procedures for implementation, including the development of state law or amendments to state law and regulations or amendments to regulations, for the purpose of meeting HAVA requirements; oversight and administration of developing and implementing procedures and practices necessary to ensure compliance with all applicable federal and state law, regulation or practices and procedures deriving authority from federal and state law for the purpose of securing services, contracting for services, providing grants or otherwise funding projects, programs, procedures and processes necessary to meet HAVA requirements; oversight and administration of all practices and procedures necessary to comply with budgeting, fiscal and accounting requirements necessary to meet all state and federal standards; responding to questions from representatives from state and federal agencies, including, but not limited to, the Bureau of State Audits, the EAC, US DOJ, HHS, GSA, and the General Accounting Office; developing and implementing procedures and practices necessary to address deficiencies identified in state or federal audit reports; work related to providing federal and state representatives with information necessary and appropriate relating to HAVA, including, but not limited to, the EAC, or its agents, US DOJ, HHS, GSA, Congress and the State Legislature, or its agents, the Bureau of State Audits, the Governor, the Department of Finance, the public or groups representing the public; and overseeing and facilitating communications with appropriate public and private representatives, including federal officials, state officials, county election officials, representatives from advocacy groups and members of the public.

# California Secretary of State

## Employee Time Certification

### Personal Information

Full Name: Reynolds Chris A  
*Last First M.I.*

Employee Position: HAVA Coordinator  
*Title*

Division: Executive Office

### Time Period Covered by Certification

From: May 1, 2005

To: October 31, 2005

/	/		/	/	
Month	Date	Year	Month	Date	Year

### Description of Work

Oversee all policy and implementation issues relating to HAVA requirements

Develop and implement budget and fiscal procedures necessary to meet accounting and audit standards

Assist in providing staff training on policy and procedures

Serve as a principal contact for HAVA issues with federal representatives, state representatives and the public

Revise and implement a comprehensive Implementation Plan for HAVA activities

### Employee Certification

I hereby certify that 100 percent of my work effort from May 05 / 01/05 to 10/31/05 will be  
*Month Day Year Month Day Year*

devoted to activities supporting California's implementation for the federal Help America Vote Act (HAVA).

/ S /

Signature

6/15/05

Date

TO: Brad Clark, Assistant Secretary of State for Elections  
Lorenzo Hines, Chief, Management Services Division

cc: Bill Wood, Undersecretary of State  
Janice Lumsden, Chief Administrative Officer

FROM: Chris Reynolds, HAVA Coordinator

SUBJECT: Internal Controls of SOS Payable Process for HAVA Contracts

DATE: June 14, 2005

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Recently, consultants with MGT conducted a check on the internal control process for payment of invoices. The check was for March and April activities for a policy that was adopted in February 2005, which, it should be acknowledged, pre-dates the arrival of nearly every person to which this memo is directed.

The consultants detected no major deficiencies – just those things that they characterize as what is to be expected during the initial implementation of a new policy and process. However, as you are aware, it is incumbent on us to recognize these shortcomings and respond accordingly, so that as operations continue and expand under increasing HAVA responsibilities, these deficiencies are corrected.

The issues include:

Paying closer attention to the coversheets used to route HAVA invoices so that it is clear where Division Chief signatures and the HAVA coordinator signature should be appended.

Ensure that the Accounts Payable section is using only the HAVA routing slip for HAVA invoices.

Ensure that contractor invoices are sent to the Accounts Payable section first, as the starting point in the payment process.

Ensure that Accounts Payable staff stamp invoices, create a shared log for tracking all invoices and sign all Standard Form 218 associated with invoices.

Ensure that Division Chiefs and HAVA coordinators list all charge codes next to signatures on the invoice.

These issues are indicative of the need to make an early investment in staff training for everyone involved in the process. I will be contacting you in the near future so that we can have a meeting of the appropriate staff for a training session.